

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
City Council Chambers
Wednesday, March 13, 2013
6:00 p.m.

1) CALL MEETING TO ORDER

The meeting was called to order at 6:00 p.m.

2) ROLL CALL

Commissioners: Doug West, Chair
Brad Avery (arrived at 6:10 p.m.)
Paul Blank
David Girling
Duncan McIntosh
Karen Rhyne
Ralph Rodheim

Staff Members: Chris Miller, Harbor Resources Manager
Shannon Levin, Harbor Resources Supervisor

Council Liaison: Council Member Nancy Gardner

3) PLEDGE OF ALLEGIANCE – Commissioner Blank

4) SPECIAL CEREMONY RECOGNIZING LT. TOM SLAYTON, HARBORMASTER, AND DEPUTY CARLOS CONTRERAS, MOORING DEPUTY, ON THEIR RETIREMENTS FROM THE ORANGE COUNTY SHERIFF'S HARBOR PATROL. PUBLIC COMMENTS WELCOME.

Chair West asked Harbormaster Lt. Tom Slayton to the podium. Chair West congratulated him on behalf of the Harbor Commission on Lt. Slayton's retirement from the Orange County Sheriff's Department and acknowledged his service and professionalism and presented him with a token in appreciation for his years of service to the community. Lt. Slayton expressed his appreciation to the Commission. Members of the Commission commented on Lt. Slayton's service and commended him and his staff for their work on behalf of the City. Harbor Resources Manager Chris Miller offered his appreciation to Lt. Slayton for his leadership and service.

Chair West acknowledged Mooring Deputy Carlos Contreras on his recent retirement and expressed appreciation for his service.

Lt. Slayton introduced his replacement, Mike Jansen and invited him to the podium. Officer Jansen noted that the transition will be seamless, that he will be accessible and that he cares about the Harbor. He stated he looks forward to working with the Commission.

5) PUBLIC COMMENTS

Chair West invited those interested in addressing the Commission to do so at this time. There was no response and Chair West closed the Public Comments section of the meeting.

Commissioner Avery arrived at this juncture (6:10 p.m.).

6) APPROVAL OF MINUTES from January 9, 2013 Regular Meeting

Interested parties were invited to address the Commission on this item.

Jim Mosher reported submitting written comments regarding the minutes. Staff reported that the corrections were incorporated into the minutes.

Motion: Commissioner Rodheim made a motion to approve the minutes of the Harbor Commission regular meeting of January 9, 2013, as amended. Commissioner Blank seconded the motion, which carried with 6 ayes and 1 abstention (Rhyne). Approved.

7) CURRENT BUSINESS

1. *Commercial Pier at 508 S. Bay Front – Request for a New Permit*

The commercial pier at 508 S. Bay Front encroaches in front of the neighbor's property at 510 S. Bay Front. Per Newport Beach Municipal Code ("NBMC"), 17.35.020(F), a new permit approved by the Harbor Commission shall be required upon a change of ownership of the permittee's property. The property at 508 S. Bay Front is currently in escrow, and the Buyer is requesting a new permit.

Recommendation:

1. The Harbor Commission may approve a new permit for 508 S. Bay Front for the dock system in its current configuration, or;
2. The Harbor Commission may deny the permit request for 508 S. Bay Front in its current configuration, and require the dock system to be confined within the water area defined by the property line extensions of 508 S. Bay Front only.

Chair West reported that the aforementioned item was withdrawn from the agenda as it was determined that the application was not complete. The matter will be considered at a future meeting.

2. *Alternative Mooring Ideas for Newport Harbor*

Marshall Duffield, owner of Duffy Electric Boat Company, will present conceptual ideas for alternate configurations for Newport Harbor's mooring fields.

Recommendation:

1. Receive and file.

Marshall Duffield, owner of Duffy Electric Boat Company, commented on Lt. Slayton's service and provided a presentation with conceptual ideas for alternate configurations for Newport Harbor's mooring fields. He noted that presently, over one thousand moored boats take up a lot of open water. One alternative solution would be replacing the moorings with fiberglass docks which would offer mooring for multiple vessels instead of one, and listed the advantages of same. He addressed proposed pilings, specifications of the proposed all fiberglass docks, sea lion deterrents and existing and proposed mooring fields. He noted use of a similar concept by the Newport Harbor Yacht Club and addressed the risks of using existing moorings versus the benefits of implementing his concept. Mr. Duffield presented an example of a 40-foot vessel's annual slip costs, addressed empty moorings and presented conclusions.

Discussion followed regarding availability of the pilings, issues needing vetting, setting the stage for a modern Newport Harbor, pros and cons of the concept, the possibility of implementing the concept on a trial basis, related costs, availability of a prototype, availability of power to the units, stability of the design and alternative mooring designs.

Members of the Commission commented positively on the concept. Discussion followed regarding next steps in exploring the matter further.

Chair West noted that there is an existing subcommittee to study the matter and suggested that the subcommittee consider next steps and return to the Commission with ideas for implementation.

Council Member Gardner suggested scheduling the item on a Council study session agenda or having the subcommittee conduct further review to vet some of the issues, and have additional information prior to approaching Council.

Interested parties were invited to address the Commission on this item. There was no response and Chair West closed public comments.

Mr. Miller suggested contacting a representative sample of residents along the shore to obtain their input as well.

Chair West directed the subcommittee to move the matter forward.

3. Harbor Commission Purpose and Responsibilities - Revisions

In November 2012, the City Council approved the Tidelands Capital Plan which outlines harbor projects to be completed within the next five years. The Harbor Commission's Purpose and Responsibilities should be updated to reflect the added component of the Tidelands Capital Plan.

Recommendation:

1. Advise the Harbor Resources Manager to recommend the proposed revisions of the Harbor Commission's Purpose and Responsibilities to the City Council.

Council Member Gardner reported that the aforementioned item is a result of having a working group of Council review and make suggestions relative to the Commission in hopes of addressing concerns expressed as presented to Council. The intent is to distinguish the exact role of the Harbor Commission in conjunction with the Capital Plan and as assigned by Council.

Chair West commented positively on the expansion of the Harbor Commission's role.

Brief discussion followed regarding changes in the terms of service for Commission Members.

Interested parties were invited to address the Commission on this matter. Jim Mosher referenced a typographical error in the original ordinance and suggested the need for clarification of specific items. He addressed the inclusion of water craft, other kinds of recreation and scenic and biological resources. He requested that clarity be provided in terms of the boundaries between the Harbor Commission and the Parks, Beaches and Recreation Commission regarding recreation and where the interface would occur with the Water Quality Committee. He opined that Council cannot make changes in the terms currently, but would need to completely disband and recreate the Commission in order to institute Member terms beginning in January.

Chair West noted that Council Member Gardner indicated that Council is working on the issue of Member terms and that it cannot be resolved at this time.

There being no others wishing to address the Commission, Chair West closed public comments for this item.

Motion: Commissioner Blank made a motion to advise the Harbor Resources Manager to recommend the proposed revisions of the Harbor Commission's Purpose and Responsibilities to the City Council. Commissioner Girling seconded the motion.

Discussion followed regarding the need to clarify the issue of term initiation.

An amendment was proposed to the motion to accept the proposed revisions with the request that the issue of term initiation be resolved and was accepted by the maker and second of the motion.

The motion carried, unanimously. Approved.

4. Lower Castaways – A Discussion on the Future of this City Owned Property

The Lower Castaways, located on the corner of W. Coast Highway and Dover Drive, is the last City owned waterfront property in Newport Harbor. The Harbor Commission is initiating the discovery process which will look at the future of this property, and the various uses which could benefit the entire community, both from a landside and waterside perspective. The Harbor Commission will review the comments made at today's Study Session, and will request input from the public during this discovery process.

Recommendation:

1. Receive and file.

Chair West reported that the aforementioned item was discussed during a prior study session.

Discussion followed regarding next steps regarding the matter and it was noted that the subcommittee will review the suggestions and ideas received and return with new steps for moving forward to the Commission.

Interested parties were invited to address the Commission on this matter. There was no response and Chair West closed public comments.

Council Member Gardner noted that Mr. Murillo will work with the City Attorney's office regarding clarification of commercial marinas versus dry docks. It was noted that Mr. Murillo will also clarify what would be objected to by the Irvine Company.

8) SUBCOMMITTEE REPORTS

Commissioner Rodheim reported that he and Commissioner Rhyne are on the Subcommittee for the Project Lines relative to approaching the City to determine whether it is interested in addressing the matter. He noted that relative to the bulkhead and pierheads around the Harbor, the City is out of conformance. He reported that he has contacted City staff to determine how they would like to proceed.

Chair West noted that this has been a long-standing concern of the Commission but that it is up to the City as to how it would like to proceed.

Commissioner Blank provided an update on the Stand-up Paddleboard Subcommittee and announced an upcoming forum on Paddleboard Safety on Sunday, April 7, 2013 from 10:00 a.m. to noon at ExplorOcean.

Council Member Gardner requested to have the information emailed to her so that she can announce the event at the next Council meeting.

Commissioner Avery reported that the Temporary Anchorage Subcommittee received communication regarding the anchorage on which his Subcommittee is working and that it is reviewing the possibility of a temporary anchorage program. He suggested scheduling a study session to review the existing anchorage and obtain public input on possible improvements. Discussion followed regarding complaints received due to the fallout resulting from the temporary anchorage and needing to consider shoreline facilities that would support a temporary anchorage as well as noise issues.

Chair West reported on a recent meeting with the Harbor Patrol where they indicated they would like to participate in future discussions. He suggested scheduling a study session on the matter.

Council Member Gardner suggested addressing the matter as part of a regular meeting.

Chair West directed staff to place the item on the agenda for the Commission's next meeting and Mr. Miller recommended allowing additional time for public notice of the item.

Chair West provided an update on the RGP54 Subcommittee and addressed background, the RGP process, considerations and actions by the Subcommittee and recommendations to pursue a significantly reduced RGP process. He reported that it became clear that the greatest single problem for dock holders is compliance with the Eelgrass mitigation requirements of the Southern California Eelgrass Mitigation Policy and is why Mr. Miller has been developing a Newport-specific Eelgrass Mitigation Strategy. He reported that a key feature for the revised RGP being pursued for an effective date of April of 2014 will be incorporation of the new, proposed Eelgrass protection plan. The Subcommittee is working closely with the Harbor Resources Manager to secure the regulatory approval of the revised RGP including the Newport Eelgrass Plan. He addressed previous meetings regarding the issue including an inter-agency meeting where the plan received minor revisions and positive input. He addressed the need for an improved sediment analysis plan and noted that Mr. Miller is working on the issue. Chair West reported that the revised plan is being finalized and addressed next steps. In addition, he commented on the various Federal and State agencies and noted the significant regulatory hurdles needed to resolve the matter. He noted that many of the agencies are actively trying to help the City in its efforts and commented on the credibility and leadership of the City. He commended Council and City staff for its understanding and support, especially Harbor Resources Manager Chris Miller.

Interested parties were invited to address the Commission on this item.

Duffy Duffield reported on the need for a permit to dredge the Harbor and stated that there is no way to remove the material. He stated that dredging is not over and reported a boat aground recently for four hours, trying to maneuver the Harbor.

Chair West noted that RGP is all about dock dredging.

Council Member Gardner clarified that the Mayor indicated that the major dredging project in the Harbor was done, but that doesn't mean that Council will not be looking for funds for additional dredging that is needed.

Chair West reported that there is significant provision being made in the Capital Management Plan, going forward, for additional dredging of the Harbor over time.

In response to an inquiry from Len Bose of Huntington Beach, Chair West affirmed that he feels confident that the revised RGP will be successfully implemented by April, 2014.

John Corrough commended the Commission, the Chair, the Subcommittee and staff for addressing the RGP process. He recommended that once the matter is approved, efforts be made to promote it through various media for accurate dispensation. He stated that dredging is a continuous process and commented on the perils of politicians making general statements within a vacuum.

There being no others wishing to address the Commission, Chair West closed public comments on this item.

9) QUESTIONS AND ANSWERS WITH COUNCIL LIAISON ON HARBOR RELATED ISSUES

Council Member Gardner commented on the inter-agency meetings and stated that it was unfortunate that the Coastal Commission did not attend.

Mr. Miller stated that the City met with the Coastal Commission recently and discussed all of the issues being faced including Eelgrass. He indicated that the Chair was supportive of the plan. They are aware that the application is coming and were generally in support.

Council Member Gardner reported on a recent meeting with a new Coastal Commissioner. She announced an upcoming Tidelands Management Committee meeting and addressed items to be discussed at that meeting including considering the future role of the Committee.

10) QUESTIONS AND ANSWERS WITH HARBOR RESOURCES MANAGER ON HARBOR RELATED ISSUES

Chair West announced the lack of need for a formal PowerPoint Harbor Resources Manager report.

Mr. Miller reported receiving proposals for the RGP Sampling and Analysis plan and that a team will review the proposals and that a resulting contract will be fast-tracked at staff level to have a plan ready to present by the third week in April.

Mr. Miller presented an update on the dock fee project and noted that 112 calls, office visits and emails have been received regarding the project. He commended the GIS Department for their help. He reported that the commercial pier program has begun.

In response to an inquiry from Chair West, Mr. Miller reported that the Corp of Engineers has completed a survey of the Lower Bay and the results will be available shortly.

11) PUBLIC COMMENTS ON SUBCOMMITTEE REPORTS OR QUESTIONS AND ANSWERS WITH COUNCIL LIAISON OR HARBOR RESOURCES MANAGER

Jim Mosher requested and was provided with clarification regarding the upcoming Tidelands Management Committee meeting.

12) COMMISSION ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM) - None

13) DATE AND TIME FOR NEXT MEETING: Wednesday, April 10, 2013, 6:00 PM

14) ADJOURNMENT

There being no further business to come before the Harbor Commission, the meeting was adjourned at 7:45 p.m.

A handwritten signature in blue ink, appearing to be 'Mark', with a long horizontal stroke extending to the right.